

MANSFIELD TOWNSHIP COMMITTEE MEETING

May 27, 2009

This is a regular meeting of the Mansfield Township Committee. The notice requirements of the law have been satisfied for this meeting by notice to the Star-Gazette and the Express Times of the time, date and location thereof. Notice was also posted on the announcement board located in the Municipal Building.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Salute to flag was done by all.

APPROVAL OF THE MINUTES:

Mr. Baldwin made a motion to approve the minutes of the regular meeting held on April 8, 2009, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mr. Baldwin made a motion to approve the minutes of the regular meeting held on May 13, 2009, which was seconded by Ms. Nerbak.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak

Nays: None

Absent: None

Abstain: Mayor Jewell

PAYMENT OF BILLS:

Mr. Baldwin made a motion to approve the bill list with the addendum to include the School tax payment of \$385,545.33, which was seconded by Mr. Tomaszewski.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

CFO REPORT:

Mr. Coppola stated that the exit audit conference was held today with the Finance Committee today. Mr. Coppola also explained that Resolution 2009-56 is for the change with the IT agreement and that the ordinance for cancellation of the older capitol ordinances and that the money for the two new ordinances is being taken from the money that is being cancelled. Mr. Coppola also explained that the Animal control contract will be running out June 30 and the Animal Control Officer agreed that in the new contract will be \$100 less which will be \$600.

Ms. Nerbak asked some questions about the contract with Independence Township.

Mr. Coppola explained that this did not need to be done tonight it was given to the Committee members for them to review.

Ms. Nerbak stated that she would call Mr. Coppola to go over what needed to be changed in the contract.

Mr. Baldwin asked Mr. Coppola to explain about Shared Services.

Mr. Coppola stated that the Warren Morris Council of Governments has finally received its non-profit status after a year or so.

CLERKS REPORT:

Ms. Hrebenak stated that NYK Logistics has applied for a one day sale permit the sale will be held on June 20, 2009.

Mr. Watters asked what the hours of the sale were.

Ms. Hrebenak stated that the hours that the sale can be held are from 9-5.

Ms. Hrebenak also stated that the Butler Park Fire Company is applying to the State DOT for permission to hold a boot drive on Route 57 on June 14, 2009, July 19, 2009, and October 10, 2009.

Ms. Hrebenak also informed the Township Committee that Gramco, the company that handles the recording equipment for the meeting room will be coming to look at the recording equipment again because there is still a probable with the machine.

Mr. Watters asked if the company had already fixed this before.

Ms. Hrebenak explained that the company had been out in February and done a complete overhaul of both decks and that they had explained to us that the machine is very out of date and that they were running out of parts.

Mr. Tomaszewski asked what the cost was to repair the machine.

Ms. Hrebenak stated that we have a service contract with them so there is no charge for this service.

Mr. Tomaszewski asked if the machine is an old machine.

Ms. Hrebenak explained that the machine is very antiquated and they are not made anymore.

ENGINEERS REPORT:

Mr. Mace stated that he had given each Committee member a letter that was requesting that the Restoration bond for PNC be returned all items are completed and there is no need to maintain the Restoration Bond in the amount of \$5205.00.

Ms. Nerbak made a motion to approve the restoration bond being returned to PNC, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None
Abstain: None

Mr. Mace explained that he has given the Township Committee members draft ordinances for private storm drain retrofitting which means any work other than cold patching a parking lot the owner will need to upgrade the storm drains. Which will require permits for parking lot paving and the suggested enforcement for this activity seems like a problem for whoever will be doing the enforcement.

Mr. Mace asked that the Township Committee review the draft ordinances and let him know.

Mr. Mace also explained that the paperwork has been filed for the Blau Road and Washburn Road, but that he needs a resolution to be approved tonight for this matter.

Mr. Baldwin made a motion to have the engineer apply for the DOT grants for Blau Road and Washburn Roads, which was seconded by Ms. Nerbak.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell
Nays: None
Absent: None
Abstain: None

Mayor Jewell stated that he received a call from the woman across from the old Washington Auto Salvage and the cars were left out overnight again.

Mr. Mace stated that he will send a letter to the owner of Washington Auto Salvage about this.

Mayor Jewell asked Mr. Alper to come and present his report.

Mr. Alper presented a report to the Township Committee about the Warren County Economic Development Commission there are some things that he wanted to make the township committee they are doing an inventory of all of the business in town and Blairstown and White Township they are 10% complete. Some other interesting numbers that were discussed were the regional chamber of commerce is spending several thousand dollars in trying to get the tourism back up in Warren County they will be putting up billboards in Penn and Warren County. The stated that Warren County is down 3% for the unemployment. A number of the towns around us have Business Improvement Districts and there are a number of stores and business that are vacant in our town. Mr. Alper asked if anything has ever been done in our town to assist the Businesses.

Mr. Baldwin stated that the Township is in partnership with the Warren County Chamber of Commerce and they will request from the township if someone is interested in coming into town.

Mr. Alper again asked if the township would be doing anything like a Business Improvement District.

Ms. Nerbak stated that the demographics are on the website and there is a list of the developers for the malls.

Ms. Nerbak asked Mr. Alper to give her a call and they could discuss what could be done.

Mayor Jewell stated that there are a lot of people that are not happy with the Business Improvement Districts in other towns.

Mr. Watters stated that business have come before the Planning Board and got approved and then backed out of the projects so there must be a reason that they are not coming to Mansfield.

Mr. Baldwin stated that Mr. Alper mentioned billboards and he explained that the Route 57 Corridor Study is trying to eliminate the billboards.

PUBLIC PORTION:

Daniel Sigfried, lives over the river in PA, he and his father have owned property in Mansfield Township and he is planning on building a home on Anderson Ave and there is another small parcel of land that has a building that is falling down and is a hazard on the property and they have failed to pay property taxes and there are liens on the property.

Mr. Coppola stated that this property is on the foreclosure list and could be sold after the foreclosure has gone through this could be sold.

Mr. Kobert asked for Mr. Sigfried's information and told him he would let him know.

RESOLUTION:

RESOLUTION 2009-56

A RESOLUTION OF THE TOWNSHIP COMMITTEE OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, NEW JERSEY, AUTHORIZING AN INTERLOCAL SERVICES AGREEMENT BETWEEN THE TOWNSHIP OF MANSFIELD AND THE TOWNSHIP OF BOARD OF EDUCATION, COUNTY OF WARREN, NEW JERSEY

WHEREAS, the Township of Mansfield and Township of Mansfield Board of Education, County of Warren have entered into an Interlocal Services Agreement with respect to setting forth the terms and conditions of the sharing of Information Technology services; and

WHEREAS, the Township of Mansfield and Township of Mansfield Board of Education, County of Warren wish to amend said agreement;

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Mansfield, in the County of Warren , New Jersey, as follows:

1. That the Mayor and Township Clerk are hereby authorized to execute an Interlocal Services Agreement between the Township of Mansfield and the Township of Mansfield Board of Education, County of Warren setting forth the terms and conditions regarding the sharing of Information Technology services.
2. A copy of the Agreement is on file in the office of the Township Clerk for inspection by the public.

Ms. Nerbak made a motion to approve the passage of Resolution 2009-56, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mayor Jewell explained that he and Mr. Watters met with the auditor and the CFO and that the exit interview for the audit was held tonight and that the auditor stated that the Township is in the same conditions as other towns around us. Our debt ratio is .40 which is very good being that it could go up to 3.40.

Mr. Watters stated that most things that needed to be corrected were housekeeping issues.

GOVERNING BODY CERTIFICATION OF THE ANNUAL AUDIT
2009-57

WHEREAS, N.J.S.A. 40A:5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

WHEREAS, the Annual Report of Audit for the year 2008 has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant to N.J.S.A. 40A:5-6, and a copy has been received by each member of the governing body; and,

WHEREAS, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs; and,

WHEREAS, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall by resolution certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled "Comments and Recommendations, and,

WHEREAS, the members of the governing body have personally reviewed as a minimum the Annual Report of Audit, and specifically the sections of the Annual Audit entitled "Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and,

WHEREAS, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and,

WHEREAS, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

WHEREAS, failure to comply with the regulations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52, to wit:

R.S. 52:27BB-52: A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services), under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

Mr. Watters made a motion to approve the passage of Resolution 2009-57, which was seconded by Ms. Nerbak.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None
Abstain: None

CAPITAL ORDINANCE:

First Reading

Mayor Jewell introduced Capitol Ordinance 09-01;

ORDINANCE NUMBER – CA-09-01

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY,
APPROPRIATING \$65,632 FOR PURCHASE OF EMERGENCY VEHICLES

WHEREAS, there is a need for a emergency vehicles of the fire departments and emergency squad;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey,
as follows:

1. The amount of \$65,513 is hereby appropriated from capital surplus in the general capital fund.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Mr. Baldwin made a motion to approve the introduction of Capitol Ordinance 09-01, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mayor Jewell introduced Capitol Ordinance 09-02;

ORDINANCE NUMBER – CA-09-02

AN ORDINANCE OF THE TOWNSHIP OF MANSFIELD, WARREN COUNTY, NEW JERSEY,
APPROPRIATING \$16,376 FOR PURCHASE OF ROAD EQUIPMENT

WHEREAS, there is a need for road equipment for the Department of Public Works;

BE IT ORDAINED by the Township Committee of the Township of Mansfield, Warren County, New Jersey,
as follows:

1. The amount of \$16,376 is hereby appropriated from capital surplus in the general capital fund.
2. There is no debt incurred by this Ordinance.
3. This ordinance shall take effect immediately after final passage, approval and publication as provided by law.

Ms. Nerbak made a motion to introduce Capitol Ordinance 09-02, which was seconded by Mr. Watters.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell
Nays: None
Absent: None
Abstain: None

ORDINANCE:

First Reading

Mayor Jewell introduced Ordinance 2009-10;

ORDINANCE 2009-10
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP OF
MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2810 LOT 12

WHEREAS, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2810 Lot 12

and

WHEREAS, Constantino & Frances Licciardello, a contiguous owner of property to Block 2810 Lot 12 has offered the assessed value of said property, \$2300.00, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Constantino & Frances Licciardello;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. Block 2810 Lot 12 on the Tax Map of the Township of Mansfield is not needed for public purposes.
2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$2,300.00 to be paid in hand by Constantino & Frances Licciardello, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2810 Lot 12 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.

3. This Ordinance shall become effective immediately upon publication as required by law.

Mr. Watters made a motion to introduce Ordinance 2009-10 and requested that the public hearing be advertised for June 10, 2009 at 8pm, which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mr. Baldwin introduced Ordinance 2009-11;

ORDINANCE 2009-11
TOWNSHIP OF MANSFIELD
WARREN COUNTY, NEW JERSEY

ORDINANCE AUTHORIZING THE PRIVATE SALE OF CERTAIN LAND OWNED BY THE TOWNSHIP OF
MANSFIELD, WARREN COUNTY, NEW JERSEY KNOWN AS BLOCK 2704 LOT 14

WHEREAS, the following property owned by the Township of Mansfield is not needed for public purposes;

Block 2704 Lot 14

and

WHEREAS, Matthew Theriault, a contiguous owner of property to Block 2704 Lot 14 has offered the assessed value of said property, \$2300.00, to purchase the same; and

WHEREAS, all other contiguous owners have been offered the same price and have shown no interest in purchasing the same;

WHEREAS, it is in the best interest of the Township of Mansfield to sell this property at private sale to Matthew Theriault;

Whereas, pursuant to N.J.S.A. 40A:12-13.2, the Township has offered contiguous property owners the right of first refusal for the sale of real property which is less than the minimum size required for development under the municipal zoning ordinance and is without any capital improvements thereon.

NOW, THEREFORE, IT IS HEREBY ORDAINED by the Mayor and Township Committee of the Township of Mansfield, County of Warren, State of New Jersey, as follows:

1. Block 2704 Lot 14 on the Tax Map of the Township of Mansfield is not needed for public purposes.
2. The Mayor and Clerk of the Township of Mansfield, in consideration of and receipt of the sum of \$2,300.00 to be paid in hand by Matthew Theriault, shall and are hereby authorized to convey title and execute such further documents deemed necessary by the Municipal Attorney to satisfactorily transfer Block 2704 Lot 14 as depicted on the Tax Map of the Township of Mansfield, said property to be conveyed subject to existing encumbrances, liens, zoning

regulations, easements, other restrictions, such facts as an accurate survey would reveal and any present assessments for the construction of improvements benefiting said property.

3. This Ordinance shall become effective immediately upon publication as required by law.

Mr. Baldwin made a motion to introduce Ordinance 2009-11 and requested that the public hearing be advertised for June 10, 2009 at 8pm, which was seconded by Ms Nerbak.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Second Reading

Mayor Jewell opened the public hearing for Ordinance 2009-09, seeing as there were no comments the public hearing was closed.

ORDINANCE 2009-09

ORDINANCE TO CANCEL CAPITAL ORDINANCES OF THE TOWNSHIP OF MANSFIELD, COUNTY OF WARREN, STATE OF NEW JERSEY

WHEREAS, there exists fully-funded ordinances on the balance sheet of the General Capital Account Fund; and

WHEREAS, the fund creating this ordinance has been investigated and it has been determined that this ordinance is no longer needed and should be cancelled;

NOW, THEREFORE BE IT RESOLVED, by the Township Committee of the Township of Mansfield, that the following ordinances in the amounts of \$63,927.05 be and the same are hereby canceled to Capital Surplus

Ordinance 03-07

Acq. Land DPW - \$49,000.00

Ordinance 08-03

Police Equipment - \$43.09

Ordinance 08-02

Recreation Equipment - \$7,425.00

Ordinance 08-05

Recreation Shed - \$7,458.96

Mr. Baldwin made a motion to approve the introduction of Ordinance 2009-09 and requested that the results be advertised, which was seconded by

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

COMMITTEE PERSON COMMENTS:

Ms. Nerbak stated that the opening ceremony for the Park Trail will be scheduled for July 19, 2009 at 12:30pm and there will be a food drive for Norwescap.

Mayor Jewell stated that Mrs. Fascinelli gave the Township Committee a letter asking to send out letters to township business's about recycling.

The Township Committee all agreed that this was a good idea.

Ms. Nerbak made a motion to take a 5 minute break.

Return from break at 8:41pm.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act. N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (4) Matters Relating to Collective Bargaining Agreements: Any collective bargaining agreement, or the terms and conditions which are proposed for inclusion in any collective bargaining agreement, including the negotiation of the terms and conditions thereof with employees or representatives of employees of the public body.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on May 27, 2009, that an Executive Session closed to the public shall be held on May 27, 2009 at 8:41PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Ms. Nerbak made a motion to go into Executive Session at 8:41, which was seconded by Mayor Jewell.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Return from Executive Session at 9:12pm.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

A RESOLUTION PROVIDING FOR A MEETING NOT OPEN TO THE PUBLIC IN ACCORDANCE WITH THE PROVISIONS OF THE NEW JERSEY OPEN PUBLIC MEETINGS ACT, N.J.S.A. 10:4-12.

WHEREAS, the Township Committee of the Township of Mansfield is subject to certain requirements of the Open Public Meetings Act, N.J.S.A. 10:4-6, et seq. and

WHEREAS, the Open Public Meetings Act, N.J.S.A. 10:4-12, provides that an Executive Session, not open to the public, may be held for certain specified purposes when authorized by Resolution, and

WHEREAS, it is necessary for the Township Committee of the Township of Mansfield to discuss in a session not open to the public certain matters relating to the item or items authorized by N.J.S.A. 10:4-12b and designated below:

- (6) Matters Relating to Public Safety and Property: any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection. Any investigations of violations or possible violations of the law.

NOW THEREFORE BE IT RESOLVED by the Township Committee of the Township of Mansfield, assembled in public session on May 27, 2009, that an Executive Session closed to the public shall be held on May 27, 2009 at 9:13PM in the Mansfield Township Municipal Building, for the discussion of matters relating to the specific items designated above.

It is anticipated that the deliberations conducted in the closed session may be disclosed to the public upon the determination of the Township Committee that the public interest will no longer be served by such confidentiality.

Return from Executive Session at 10:16pm.

Roll Call: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Ms. Nerbak made a motion to advertise for police officer and begin the testing in the police department to fill the positions of the retiring officers, which was seconded by Mr. Baldwin.

Ayes: Mr. Tomaszewski, Mr. Watters, Mr. Baldwin, Ms. Nerbak, Mayor Jewell

Nays: None

Absent: None

Abstain: None

Mr. Baldwin made a motion to adjourn at 10:20, which was carried by all.